

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

JASON DIMAGGIO,

Plaintiff,

v.

**ROB L. PYRON and
OKLAHOMA DEPARTMENT
OF HEALTH,**

Defendants.

No. CIV 10-442-RAW-SPS

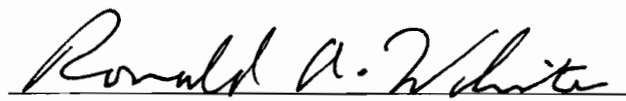
OPINION AND ORDER

On November 22, 2010, plaintiff filed this complaint with a motion for leave to proceed *in forma pauperis*. He did not submit the required Statement of Institutional Accounts in support of his motion, so on February 18, 2011, the Court Clerk called the Seminole County Jail in an attempt to determine the balance of plaintiff's inmate account. According to the officer at the jail, plaintiff no longer is incarcerated there.

Petitioner has failed to advise the court of his current address, as required by Local Civil Rule 5.5(a). Therefore, this action is dismissed without prejudice for failure to prosecute. *See United States ex rel. Jimenez v. Health Net, Inc.*, 400 F.3d 853, 854-56 (10th Cir. 2005) (dismissing appeal sua sponte for failure to prosecute because appellant disappeared and failed to meet court deadlines).

ACCORDINGLY, this action is, in all respects, **DISMISSED WITHOUT PREJUDICE** for failure to prosecute.

IT IS SO ORDERED this 24th day of February 2011.


RONALD A. WHITE
UNITED STATES DISTRICT JUDGE